

The mover is included in that Select Committee. I heard a complaint that the land-holder's interests were not represented in the committee and I think that we will do well to include the Jenmi Member Mr. Ashtamoorthi Nambudiripad.

Mr. B. V. K. Menon (*Joint Secretary to Government*): I second it.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): Sir, I move that the names of Messrs Ibrahim, K. S. Panickar and Iyyu also be added to the Select Committee.

Motion put and carried.

Mr. M. Sivarama Menon (*Advocate-General*): I move that the Select Committee may be directed to report before the 1st of Meenam.

Motion put and carried

*The House rose for lunch at 1-30 p.m. and reassembled at 2-30 p.m.
with the Hon'ble President in the Chair*

The Cochin Verumpattamdars Act (Amendment) Bill—Rao Sahib K. Ayyappan

Rao Sahib K. Ayyappan (*Ezhuvas-Kanayannur*): Sir, I move that the Cochin Verumpattamdars Act (Amendment) Bill be read in Council.

Mr. K. Narayana Menon (*Mulakunnathukavu*): I second it.

Mr. M. Sivarama Menon (*Advocate-General*): The Government adopt the same position with regard to this Bill as we adopted in the case of the Bill moved by Mr. Eachara Menon.

Motion put and carried

Secretary to the Legislative Council: The title of the Bill is the Cochin Verumpattamdars Act (Amendment) Bill.

Rao Sahib K. Ayyappan (*Ezhuvas-Kanayannur*): I move that the Bill be referred to the same Select Committee with these additional members, namely, the mover of the Bill and Mr. K. Narayana Menon.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): I second it.

Motion put and carried

Rao Sahib K. Ayyappan (*Ezhuvas-Kanayannur*): The report may be submitted before the 1st of Meenam.

Motion put and carried

The Cochin Specific Relief Act (Amendment) Bill—Mr. K. Narayana Menon

Mr. K. Narayana Menon (*Mulakunnathukavu*): Sir, I beg to move that the Cochin Specific Relief Act (Amendment) Bill be read in Council.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): I second it.

Mr. K. Narayana Menon (*Mulakunnathukavu*): Sir, a like Bill was introduced in this House by the Hon'ble Member, the then Member for Planters Mr. V. J. Mathai during the Budget Session of 1118 in August and it was referred to a Select Committee. Subsequent to that the Hon'ble Member ceased to be a Member of this House and the Bill has lapsed. The present Bill that I seek to introduce in this Council is on the same lines as the one introduced by the then Member for Planters. I also propose, if the House is pleased to allow the Bill to be read in Council, to refer the Bill to the same Select Committee subject, of course, to the exception of those members who are not available and to substitute others in their places. With regard to the object of this Bill and the purpose which the Bill is intended to serve, I have only to add a few words over and above what has been stated in the Statement of Objects and Reasons. It has been held by our High Court in 6 Cochin Law Journal 527 as follows with regard to the specific question whether the High Court has powers to issue a writ:—

"On the question whether the High Court has jurisdiction to issue the writ, their Lordships did not express any opinion as the question could not be fully and elaborately argued on account of exigencies of time. Since on the merits the petition was liable to be dismissed, there was no necessity also to decide the question of jurisdiction."

But there was an earlier occasion when the then Chief Court considered this aspect of the question in 19 Cochin. It has been held in that case that "There is no statutory provision investing the Chief Court with jurisdiction to entertain independent original petitions for issue of Writs of Mandamus. The Chief Court does not possess any such jurisdiction independently of statute also".

In our Specific Relief Act, IV of 1097, this Chapter VIII of the British Indian Specific Relief Act is expressly omitted. For that reason our Chief Court was of opinion that unless there was an absolute omission of Chapter VIII of the British Indian Act, it was thought that it was the idea of the legislature not to vest those powers expressly in the Chief Court. My submission to this House is since this Act was passed in the year 1097 and since the development of institution in Cochin State, both democratic and executive, has been so great that it is incumbent and absolutely essential that some such power should be vested in the High Court of Judicature. I may also bring to the notice of the House that our High Court has been constituted as a Court of Record. Of course, I am aware that there are Courts of Records in British India which do not possess these powers. But that is no reason why our High Court should not be vested with that power and the observations of their Lordships of the High Court of Cochin would indicate that they did not make a definite pronouncement because the matter could not be elaborately argued before them for want of time. The matter before them was so serious and was one which wanted an expeditious disposal and as they had not the benefit of a full discussion of the whole matter and as they thought they could dispose of the matter on other grounds, they did not make any definite pronouncement. Whatever that may be, it seems necessary that the powers that are contemplated by this amending Bill are absolutely essential in the interests of the general public. As the heading of the Chapter shows, it is necessary and expedient that courts of the highest jurisdiction of the land do possess these powers to see that the intentions of the legislature are carried out properly in the interests of the public and that these are not abused but exercised as they ought to be. It will be too much for me to invite the attention of the House to the Writ of Mandamus which has its origin in the earlier Roman Law and which has been accepted by the Courts in England and has always been regarded as an exceptional remedy to supplement the deficiencies of Common Law or the defects of justice. There the Writ is issued to compel inferior Courts to hear and determine according to law cases within their jurisdiction, for example, where the County Court refuses to assume a jurisdiction which it possesses to deal with a matter brought before it. Later on in recent years it has been employed to compel Municipal bodies to discharge their duties as to provide proper sewage for their district. The Courts do not prescribe the manner in which the duty has to be discharged and they do not lay their hands until substantial compliance is established. It is, no doubt, a prerogative of the Crown and has been exercised by the Chancery division of the King's Bench for all time. Our High Courts in the Presidency Towns have been vested with these powers when they were Supreme Courts and at present the High Courts use that power as successors of the Supreme Court. The object and purpose of vesting such power in the highest tribunal of the land is something which seems to be absolutely essential in the present day circumstances and the life of the people and the further development of democratic institutions. I commend this Bill for the kind acceptance and pray that the Bill may be read in Council.

Mr. M. Sivarama Menon (Advocate-General): Sir, Government oppose this Bill. I have only to say one point now and that is that the House should not be carried away by a statement in the Statement of Objects and Reasons to the effect that the Government have accepted the principle of the former Bill moved by the then Hon'ble Member for Planters. Government then assumed an attitude of neutrality and made a statement that they have not fixed their position.

***Mr. A. B. Salem (Mattancheri):** Sir, I rise to second this Bill. I do not think that there is no jurisdiction in the High Court as at present stands for the issue of a mandatory order in the shape of a Mandamus Writ. My contention is that the Courts in Cochin.....

At this time (2-45 p.m.) the Hon'ble President left the Chair and the Deputy President presided.

My contention is that the courts in Cochin when originally formed as the Valia Court, His Highness vested all kinds of jurisdiction in the Court and there was no reservation of any further jurisdiction by His Highness and His Highness has never exercised any judicial jurisdiction since the establishment of the Court. Now if Writs of Mandamus, Habeas Corpus and other such mandatory writs are judicial jurisdictions that are to be exercised in every country I ask the question "where is the Court where such petitions can be presented and such remedies can be sought". All jurisdictions that His Highness had were vested in the Court and the process has been to carve out jurisdictions from the Valia Court and pass it on to the District Court and carve out some jurisdiction and pass it on to the Munsiff's Court and so on. My contention is that originally when jurisdictions were vested in the highest Court in the land all possible kinds of jurisdictions known to the judiciary in any country were vested in the Court. I do not know by

* Speech not corrected by the Hon'ble Member.

what process of reasoning our Courts came to have doubts entertained as to whether they have got any jurisdiction in such matters of Mandamus and Habeas Corpus and why they should deny themselves the jurisdiction. All Courts must presume that they have jurisdiction till something has shown definitely that they have not got that jurisdiction or that they have been deprived of that jurisdiction. The High Courts of Bombay, Madras and Calcutta by virtue of the fact that they are Supreme Courts established by the King had this jurisdiction and they have exercised this jurisdiction. Other High Courts which were not King's Supreme Courts but which were High Courts established they do not possess that jurisdiction because their jurisdictions were limited by Acts whereas the Supreme Court was the King's Court. Similarly in Cochin our Courts were established by the King in the country and therefore had all the jurisdictions that the King had vested in the Court and I submit, therefore, that to my mind there is no doubt that the highest Court in the land has this jurisdiction. The 6 Cochin Law Journal case is A. B. Salem v. Secretary to the Government of Cochin. The Chief Justice says: "Although I do not wish to express definitely one way or the other with regard to the jurisdiction of this Court to issue a writ of mandamus for the same reasons stated by my learned brother, I may observe that my own inclination is in favour of the assumption that this Court has jurisdiction to entertain this application. The writ of mandamus is a high prerogative writ usually issuing out of the highest Court in a State in the name of the Sovereign directed to any natural person, corporation or inferior Court of judicature within its jurisdiction requiring them to do some particular thing therein specified and which appertains to their office or duty". It is a common law writ and it is difficult to assume that this Court which is the highest Court in the State and which is dispensing justice in the name of the Sovereign has not got the power to issue this very useful writ in proper cases where it is clear that the advancement of justice cannot be attained in any other manner. I think from the very nature and status of this Court at common law, this Court has or ought to have the authority to issue a writ of mandamus in every case where there is no other specific legal remedy for a legal right and where justice requires that there ought to be one. The common law right of this Court to apply these means for the attainment of such an end has to be recognised in the interests of justice and good Government. However, as the matter has not been fully argued, I do not wish to make any pronouncement on this rather important question." That is his view. The other gentleman said that he did not think that there was jurisdiction but he would not announce that there was no jurisdiction. That is the nebulous condition in which we have been left in that case. However, the point remains that this is a common law right. Therefore, it need not be incorporated in any statute. Our Specific Relief Act was copied from the British Indian Act and the High Courts of Bombay, Calcutta and Madras had this jurisdiction without that provision. That is the point. Our courts here were on a par with the King's Supreme Court and therefore there was no need for any provision giving this jurisdiction to be embodied in the Specific Relief Act. There the King's Court had the jurisdiction. Here also it had the jurisdiction. Now the Hon'ble Judges seem to think that because by long practice it has become an appeal Court, a Court which does not exercise original jurisdiction, excepting by way of withdrawing a case from the Lower Court and bringing it to the High Court. They thought that they have no original jurisdiction. I am afraid that that is a mistake, because when there was a District Court established there were cases in which the Jews concerned were to be tried only in the High Court on the original side because they were under the Company's jurisdiction at Calcutta. Therefore original jurisdiction were being exercised in the Chief Court and therefore this jurisdiction is not new to them. Now let us see the Government of Cochin Act. Already it has been said that it is a Court of record. Now section 46 of the Government of Cochin Act says that "All writs, summons, precepts, rules and orders and other mandatory process to be used, issued or awarded by the High Court, shall run and be in the name and style of His Highness the Maharaja of Cochin and shall be sealed with the seal of the High Court." What is the jurisdiction that should run in the name of His Highness the Maharaja of Cochin? I ask my hon'ble friend, the Advocate-General whether he could tell me what kind of summons is included in this section. It speaks of all writs, etc., to run in the name of His Highness the Maharaja. The Maharaja alone can order a high officer. Therefore the High Court is asked in sending a mandatory order like this either to the Diwan of Cochin or any other officer to send it in the name of His Highness. I ask what other writ is contemplated excepting the Habeas Corpus writ and the Mandamus Writ to be issued in the name of His Highness. There must be some meaning attached to our Acts and Proclamations. We should give such meaning to the words used in the enactments as is consistent with public interest, as is consistent with logic, as is consistent with favouring the rights of people and not for the destruction of the rights of people. They say we have no jurisdiction in the matter. The point is

there. They have left the question undecided. The attempt in this House is just to clarify the cob-web that surrounds the matter. My point is that this Bill even if it is thrown out or even if it is opposed, will not help the situation. The rights of the people will still be there to apply for these writs. It is a valuable right and unless it is taken away by an enactment to say that the High Court shall not have this power is meaningless. The Government will be driven to that extent and I think that they will go to that extent also. But that will be taking away a vested, inherent, natural right for justice which the people possess today. They can pass an enactment saying that the High Court shall not have this jurisdiction. The Government can do that. If that is taken away, I ask the question where is the highest Court here, where people can go for such jurisdictions. It has been exercised in former days. A man from Chittur was imprisoned in the jail here when the Central Jail was at Ernakulam and I successfully moved a Habeas Corpus petition in the then Chief Court and Justice Mr. Karimpat Raman Menon and Justice Mr. Narayana Ayyar heard the matter and they issued a Habeas Corpus writ asking the jailor to produce the man before the Court. He was produced and he was let off. Therefore it is not correct to say that the High Court has not got this jurisdiction and has not exercised this jurisdiction. My contention is the High Court has this jurisdiction and have exercised it in suitable cases when they thought it necessary. Out of the three Judges in the High Court one gentleman said "I am for assuming jurisdiction and I think we have got that jurisdiction but my mind is not clear because the point has not been fully argued. Therefore I will not make any pronouncement". The other Judges said because of a former wrong decision where they have not issued a mandamus writ, they have no jurisdiction but yet we will not pronounce that we have no jurisdiction." Where are we standing? One is for the negative but will not say "no". One is for the positive but will not say "yes". The third Judge said "my mind is completely in doubt. I shall not say one way or the other". That is the condition in which we find. The pronouncement is that. Therefore where are we? I say let us rub away the cob-webs altogether. To my mind there are really no cob-webs. When the argument comes and the sun shines all this mist will go. But the willingness must be there to see the point. I therefore submit whether this Bill passes through the House or not if at all for the purpose of clearing the point of view of the people, it will be the duty of every member of the House in spite of the Government to carry it out. If the High Court is not to have that power where are we going to have it? They oppose this jurisdiction to be vested in the High Court, the highest Court in the land, their own Court. Can the Government be so backward in giving the highest jurisdiction to the judiciary for the purpose of maintaining the rights of the people when they are marching on to responsible Government? Is that a good picture for the Government? I say a strong and independent judiciary with absolute integrity is the backbone of democracy for any constitutionally responsible Government. If the judiciary should be like that, then it is necessary that the judiciary should be armed with all the powers with which they are armed today according to me and if there is any doubt that doubt must be cleared and the legislature must say to the judiciary that they have got all the powers to maintain our rights, our properties and our person. Suppose a man is imprisoned. If within 24 hours a petition cannot be moved in the High Court if that man is imprisoned unnecessarily or illegally, we have to go to the Magistrate's Court, the Sessions Court and then to the High Court. So many processes have to be undergone and his liberty will be at jeopardy. It is necessary that persons aggrieved in that manner, deprived of their liberty, deprived of their freedom or deprived of their franchise rights must have immediate, short, quick remedies provided and they should be allowed to go to the highest Courts with their grievances and allow the Judges of the land to sit in judgment and decide the point whether he is rightly imprisoned or wrongly imprisoned and if wrongly his freedom must be restored. Therefore, Sir, in the interests of the progressive realisation of responsible Government towards which we are moving rapidly we must have no reform by which our high Court's powers must go back. If anything, the powers must be extended and all kinds of jurisdiction must be vested somewhere. The highest Court is the best place to deposit those jurisdictions. There are three Judges there who have given their oath to administer justice between man and man and man and government and even His Highness is referring points of doubt to the High Court. I submit, therefore, that according to the present Government of Cochin Act which takes away none of these powers it is not seen that the High Court has no power. Therefore, I submit that if there is any doubt the doubt must be cleared by this House by supporting this Bill with all the force that we command.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മിസ്റ്റർ പ്രസിഡണ്ടു "സർ, ഗവണ്മെണ്ടിന്നു" ഈ അടുത്തകാലംമുതൽ കണ്ടുതുടങ്ങിയിട്ടുള്ള ഒരു മാനസികമായ രോഗത്തെ കുറയ്ക്കു" ഞാൻ അഭ്യർത്ഥിക്കുന്നു.

വ്യസനിക്കുന്നു. കറച്ചുകാലംമുമ്പ് നിഷ്പക്ഷതകാണിച്ചിരുന്ന ഗവണ്മെന്റ്, ഇപ്പോൾ പ്രതികാരബുദ്ധിയോടുകൂടി അരങ്ങത്ത് ഇറങ്ങിയിരിക്കുന്നതാണ് ഈ അരുതത്തിനുള്ള കാരണം. ഒരുപക്ഷെ, ഇതിനുള്ള കാരണം വകുപ്പുധ്യക്ഷന്മാരെ മറ്റൊരു ഏതെങ്കിലും സംഗതികളിൽ അക്രമമായിട്ടുപ്രവൃത്തിച്ചാൽ ഗവണ്മെന്റിന്റെ അടുക്കൽ പരാതിപെടുവാൻ.....

Deputy President : Mr. Panickar, we are not on the mentality of the Government. We are on the amendment to the Specific Relief Act.

Mr. K. S. Panickar (Ezhuvas-Mukundapuram): I am laying the foundation for my argument.

സർ, വകുപ്പുധ്യക്ഷന്മാരുടെ പ്രവൃത്തികളെ സംബന്ധിച്ച് ഹൈക്കോർട്ടിന് ചർച്ച ചെയ്യാവാനുള്ള ഒരു ധീകാരം ഉണ്ടായിരിക്കണമെന്നുള്ളതാണ് ഈ ബിൽ കൊണ്ട് നിർദ്ദേശിച്ചിരിക്കുന്നത്. എന്നാൽ അപ്പീലിന് അധികാരമില്ലാത്ത കാര്യങ്ങളെക്കുറിച്ച് ചർച്ച ചെയ്ത ഒരു തീർപ്പു കല്പിക്കുന്നതിനുള്ള ഒരു ധീകാരം കൊച്ചിൻ ആക്ട് കൊണ്ട് നിർദ്ദേശിച്ചിട്ടില്ല. ഇത് കൊച്ചി രാജ്യത്തേക്കുമാത്രം പരിമിതമായിരിക്കുകയും, മദ്രാസ്, തിരുവിതാംകൂർ, മൈസൂർ, ബോംബെ മുതലായ ഗവണ്മെന്റുകളെല്ലാം അവിടുത്തെ ഹൈക്കോർട്ടുകൾക്കു ഈ അധികാരം കൊടുത്തിട്ടുള്ളതാണ്.

രാമവർമ്മന്മാരൻ: എല്ലായിടത്തും ഇതില്ല.

മിസ്റ്റർ കെ. എസ്. പണിക്കർ: മദ്രാസിലെ പല നിയമങ്ങളും ഇവിടെ പകർത്തുവാൻ അത്യന്താപേക്ഷിക്കുന്ന ഗവണ്മെന്റ് ഈ കാര്യത്തിൽ എന്തിന് വിമുഖത കാണിക്കുന്നുവെന്ന് ഞാൻ ചോദിക്കുന്നു. ബ്രിട്ടീഷ് ഗവണ്മെന്റ് ചെയ്യുന്നതെല്ലാം അതേപടി ഇവിടെ പകർത്തുന്ന ഒരു സ്വഭാവമാണ് നമ്മുടെ ഗവണ്മെന്റിനുള്ളത്. അങ്ങിനെയുള്ള ഗവണ്മെന്റ്, മദ്രാസ് ഗവണ്മെന്റ് നടപ്പിൽ വരുത്തിട്ടുള്ള ഒരു നിയമം ഇവിടെയും നിയമമാക്കുന്നതിന് എന്തിനാണ് അലസത കാണിക്കുന്നത്. ഒരുപക്ഷെ, ഇവിടുത്തെ വകുപ്പുധ്യക്ഷന്മാരുടെ പ്രവൃത്തികളെ സംബന്ധിച്ച് ഹൈക്കോർട്ടിന് ചർച്ച ചെയ്യാവാനുള്ള ഒരു ധീകാരം കൊടുക്കുന്നതായാൽ വകുപ്പുധ്യക്ഷന്മാർക്കു കറെ വിഷമമുണ്ടാകുവാൻ ഇടയുണ്ടെന്ന് ഒരു സംശയം അവർക്കുണ്ടായേക്കാം. ഇവിടുത്തെ വകുപ്പുധ്യക്ഷന്മാരിൽ അധികഭാഗവും ഏറ്റവും ഉയർന്ന അധികാരസ്ഥാനത്തു ഇരിക്കുന്നവരുമായി വലിയ ബന്ധത്തിൽ പെട്ടിട്ടുള്ള ആളുകളാണ്. അവർ ചെയ്യുന്ന പ്രവൃത്തികളെക്കുറിച്ച് ഹൈക്കോർട്ടിൽ അപ്പീൽ കൊടുക്കുന്നതായാൽ അത് ഹൈക്കോർട്ട് വിചാരണ ചെയ്യുന്നത് അവർക്കുവളരെ സങ്കടമായിരിക്കും. അവരുടെ പ്രേരണമൂലമായിരിക്കാം ഒരുപക്ഷെ ഗവണ്മെന്റ് ഇതിനെ എത്രക്കുന്നതെന്ന് സംശയിക്കേണ്ടിയിരിക്കുന്നു. എത്രവിധമായാലും ഈ സംഗതിയിൽ മദ്രാസ് ഗവണ്മെന്റിനെ അംഗീകരിക്കുന്ന നമ്മുടെ ഗവണ്മെന്റ് നേരത്തേക്കുണ്ടായി നിഷ്പക്ഷത തന്നെയെങ്കിലും സ്വീകരിക്കുകയാണ് ചെയ്യേണ്ടത്. ഈ കാര്യത്തിൽ തീർച്ചയായും ഗവണ്മെന്റ് അവരെ അനുകരിക്കുകയാണ് ചെയ്യേണ്ടത്. ഇന്നുതന്നെ വേറെയൊരു നേരമുണ്ടായി. ഒരു ബിൽ ഇവിടെവന്ന അവസരത്തിൽ ആദ്യം വളരെ ശക്തിയായി എത്രത്തോളം ഗവണ്മെന്റ് ഇന്ന് അതിനോടു ഒരു മമത കാണിക്കുന്നതായി നമുക്കു കാണുവാൻ കഴിഞ്ഞു. അനുഭവഗാഥപക്ഷത്തുനിന്ന് കൊണ്ടു വരുന്നതിനെ എത്രക്കണം എനുള്ള മനോഭാവംകളെന്ന് ഇത് ഗവണ്മെന്റ് സ്വീകരിക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

*** Mr. A. V. Moothedan (Chalakkudi)**: Sir, I support the motion. I am surprised to find that the Government is opposing the motion because what is the harm if this Bill is passed into law? We are not aware. A recent instance where this writ has been issued by the Madras High Court is in connection with the Andra University Senate Meeting where a resolution was given notice of. That was rejected by the executive and was not taken up for discussion. Then they moved the High Court for a writ of mandamus. It was allowed. Another illustration can be quoted. The elections are coming. Suppose a candidate's nomination paper is rejected by the returning officer illegally. What is the remedy? Run up to the High Court and move for a writ of mandamus. Some such powers will be conferred on the High Court. What is the harm if the High Court is going to exercise those powers? There is nothing at all. It is not to search the work of any departmental head as Mr. Panickar said. The law does not contemplate that. According to the trend of the High Court decision there is a doubt cast upon the jurisdiction of the High Court to issue such a writ. To clear that the law is sought to be amended according to the British Indian Act. We have simply copied that Act omitting one chapter. That chapter may be inserted in its proper place.

*Speech not corrected by the Hon'ble Member.

***Mr. P. Kumaran Ezhuthassan (Vadakkancheri)**: Mr. Deputy President I am not in the least surprised, Sir, about the change in the mentality of our enlightened Government. The proceedings of this Legislative Council will show that the 6th of August 1943 was a record day on the annals of the lives of Cochinites.

Mr. A. V. Moothedan (Chalakkudi): Why?

***Mr. P. Kumaran Ezhuthassan (Vadakkancheri)**: The Hon'ble Member for Chalakkudi even after being by the side of the river is seen to be impatient. I am surprised.

I say that the 6th of August 1943 is a record day for the simple reason that in the Council Proceedings at question hour we find, Sir, in answer to a question put by the Hon'ble Member sitting by my side, the Hon'ble Member for Cranganur, Question No. 156, in answer to that question it has been stated that our High Court even after it became a High Court had not the authority to entertain petitions for habeas corpus. The discussion or rather the supplementary questions, the elucidation of the points when carefully read will show where enlightened Cochin stood as far as the liberties of the subjects of the State were concerned. That again was a period, Sir, when for absolutely no reason there was a ban on public meetings, gags put into the mouths of the loyal and law-abiding subjects of the State. This was a further addition to the insult that was hurled upon Cochinites. Taking stock of the position enunciated by no less a person than the Advocate-General of Cochin, poor myself too had the opportunity to introduce a Bill to amend the Criminal Law of the State by introducing amendments to appropriate sections on a par with the British Indian Criminal Procedure Code and I am glad to note, Sir, that with the helpful co-operation of the Treasury Benches that Bill had been passed by the Council. The amendment relating the Habeas corpus is now on our Statute Book. Certainly we have advanced and it is a strange coincidence that it was on the 6th of August 1943 that this amendment Bill referred to by the Hon'ble Mover of this present amendment happened to be introduced in this House by the Hon'ble Member, Mr. V.J. Mathai. How that Bill did not pass through further stages had been explained by the Hon'ble Mover and it is gratifying to note that the Hon'ble Member for Mula-kunnathukavu has taken upon the thread to see it carried to the logical end. When that Bill was introduced by the Hon'ble Member for Planters the Government is seen to have taken an attitude which I do not in the least say was commendable but at the same time I am prepared to concede, Sir, it was not of a retrograde nature. The Hon'ble Advocate-General referred to a certain sentence in the Statement of Objects and Reasons governing the present Bill. He stated, Sir, that it is wrong to say that at the earlier stage, i. e., on the 6th of August 1943, the Government had accepted the principle of the Bill. To the limited extent that expression goes, I am sure, the Hon'ble Advocate-General is perfectly right. He has not used such words. I will immediately read his own words and show how mentality has changed. The mentality in this particular case has got a very great bearing and a relevancy. The Advocate-General said: "At this stage of this Bill Government propose to remain neutral". Not a very happy position. "By that attitude, it should never be understood that Government have not appreciated the pros and cons of the question involved in this Bill. Government have the ruling of the Chief Court to the effect that they have not got such powers. A doubt has been expressed by Their Lordships in a later ruling. It is also relevant to note in this connection that none of the major States in South India, Travancore, Mysore and Hyderabad, has got these powers under their Specific Relief Acts. Therefore, Government have not had sufficient time for taking a definite decision. I am, therefore, authorised by Government to state before this House that Government will adopt an attitude of neutrality on this Bill at this stage." I do not like to quote further. There is only one more paragraph. What is the result of the deep and anxious consideration that they have been bestowing upon the subject from the 6th August 1943, over a year. We have seen the result. The attitude of neutrality has developed or deteriorated into a definite attitude of opposition. The Government of Cochin though not responsible were at least responsive. They have gone further down. They are not even responsive today. Although the Bill did not go through further stages the discussion at that time showed the mind of the representatives of the people. They were definite that our High Court should have that power if the High Court expressed any doubt on that point, namely, whether they had or had not that power. The discussion there will show the mind of the representatives of the people. Now, when the attempt is made to take it further I am, as I submitted before, sorry to note the deterioration of the mind of the Government of Cochin and also it shows a sort of indifference—I am sorry to use that expression—to study things properly. Reference was

*Speech not corrected by the Hon'ble Member.

made to two sections of the Government of Cochin Act, sections 39 and 46. It will be useful to carefully read those sections and try to find out the interpretation of certain words used there. Section 39 runs like this:—

“The High Court shall be a court of record and shall sit in Ernakulam unless His Highness otherwise directs”.

I seriously ask, Sir, whether the meaning of this expression “The High Court shall be a Court of record” has been sufficiently and deeply probed into. If that alone had been done and after that being done section 46 had been read. (*A voice: By whom?*) By anybody interested in the matter, whether it be the wooden Treasury Bench of Cochin or the representatives of the people. The interested parties are the representatives of the people on this side and the wooden Treasury bench of Cochin. I deliberately use that word, Sir. If after going into the question what the expression “a Court of records” means and in the light of that section 46 had been read, the unhappy attitude, the degraded attitude that the Government of Cochin have taken today would not have been assumed. I will illustrate, Sir. What does a Court of record mean? Useful reference may be made to page 693, Col. 1, para 4, about the 6th line of the Encyclopaedia Britannica, Vol. VI”.

Now, Sir, the definition of the expression “a court of record” is something which was not in the Chief Court but which was definitely and deliberately and purposely introduced into the Government of Cochin Act. Section 39 clearly shows that our High Court has got that power when it is read with section 46. What is that section 46? Section 46 is to this effect:—

“All writs, summons, precepts, rules and orders and other mandatory process to be used, issued or awarded by the High Court, shall run and be in the name and style of His Highness the Maharaja of Cochin, and shall be sealed with the seal of the High Court”.

What are the words? “All writs”. What are the writs mentioned there? Writs of mandamus and similar writs to be issued to run in the name of His Highness. Therefore, I maintain, Sir, in the company of my esteemed friend, the Hon'ble Member for Mattancheri, who preceded me, that our High Court as distinct and distinguished from its predecessor, the Chief Court, does possess the power, the authority, the jurisdiction to issue writs of mandamus. Then, as was stated at an earlier moment by the Hon'ble Member for Chalakkudi, then why this Bill? The answer had already been given by the Hon'ble Mover, because the 30 Cochin case, from which copious extracts had been read by my friend threw doubt whether our High Court, legally constituted High Court, has that power or not. No decision had been arrived at. So the people of Cochin, the enlightened people of Cochin, were thrown into a world of nebulosity as regards the powers of their own Supreme Court. I maintain, Sir, that the High Court has that jurisdiction.

Mr. C. V. Iyyu (Kunnamkulam): Can you apply to the High Court to review their decision?

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): The function of the legislature of Cochin is to enact laws and the function of the High Court is to administer them.

Mr. A. V. Moothedan (Chalakkudi): Then this is unnecessary.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): Unnecessary legislation is being passed because certain types of members are here and useful legislation will be questioned by some of them. The position is this. Doubt having been expressed by the highest tribunal in the land that they themselves do not know where they stand—95 per cent of the opinion was that it has but on the technical ground that it was not necessary for the purpose of the decision in that case no decision was taken. It was expressly stated in the judgment that for want of time the whole question could not be elaborately argued and since the matter could be disposed of on other lines that question was left in doubt. There is the expression of the then Chief Justice who subsequently retired that our Court ought to possess such powers and according to him it does possess. It was not pronounced as a judicial opinion binding upon us because it was not necessary to be pronounced.

I take the stand on these two sections and make it clear that the High Court does possess the powers just like some of the British Indian Courts and in the British Indian Specific Relief Act. That Our Specific Relief Act be so amended is the object with which my Hon'ble Friend has come before this House. Therefore as observed by the Hon'ble Member who preceded me

it is the bounden duty of every Hon'ble Member of this House to induce the Government if they will not hesitate to revise their opinion already taken. To admit a mistake is a great virtue. But all are not capable of that, that is the difficulty. Inclusive of that section this Bill must be passed is the prayer that I make. If the other side will not respond let us use our strength to see that it passes in the later stage. That is the prayer.

***Mr. Joseph Pettah (Adur):** I beg to support the motion. As a layman I cannot go into the details and technicalities of legal people which have been brought forward under the discussion that is now undergoing. I would rather look upon the question from the principles of elementary justice; equity and fair-play. It is one of those elementary principles that there should be adequate protection for the person and property of every individual in the State and such protection is granted in all civilised Governments not merely in this enlightened 20th century but even from old days. Such liberty and such security have been safeguarded and vouchsafed to the individuals of various civilised countries by providing for mandamus. Only by such a provision in the highest judiciary can we hope to protect the person and property of every individual from any arbitrary action of the arbitrary. Therefore it is that all these Governments have thought it fit to make provision for such a power in the highest judiciary. Therefore the necessity of it in every civilised State cannot be contraverted or cannot be gainsaid. Now the position here is that a doubt has arisen whether our High Court possesses such a power or not and when such a doubt arises it is the duty of the legislature to step in and to clear the doubts and put matters beyond the shade of a doubt by making a specific provision in the particular respect. Again I would add that by investing the High Court with this very essential power there is no possibility of any harm because we are not investing this power in the hands of any executive officer or any ordinary institution but only in the highest judiciary in the land. Therefore we find the necessity of this Bill. The Bill seeks to clarify the situation to remove the possibilities of doubts and put this power beyond the shade of a doubt by a specific provision in the law. For these reasons I beg to support this motion.

Mr. M. Sivarama Menon (Advocate-General): In considering this Bill some stress has been laid upon the question as to whether the High Court as it is constituted at present does or does not possess the power of the kind sought to be conferred by the provisions of this Bill. I think such a question is really irrelevant for the purpose of considering the provisions of this Bill. There has already been a division bench ruling in 19 Cochin that at any rate the Chief Court did not possess that power. Later on in 30 Cochin after the Chief Court was converted into a High Court the question came up and the Chief Justice opined that the High Court has or ought to have that power while another Judge stated that it has no power and a third Judge did not express an opinion on the point. Therefore the object of the mover of the Bill can only be to remove all possible doubts. No useful purpose will be served by saying that it really possesses this power. I am forced to make this observation, because it was pointed out by the Hon'ble Member for Vadakkanchery that sections 39 and 46 if read clearly will indicate that there is such a power for the High Court. In 30 Cochin the High Court said that they are not in a position to give a definite ruling. So far as they have considered you will find that all conceivable points for supporting that proposition have really been considered. Section 39 says that the High Court is a Court of record. It does not mean that that Court possesses the power to issue an order of mandamus. The Allahabad High Court has not got that power. The use of the term "Court of Record" and of the word "writ" do not invest the jurisdiction to issue prerogative writs. The High Court of Nagpur has considered this argument and repelled it. Therefore what I say is, the fact that a Court is a Court of record does not mean that that Court has got the right to exercise the power to issue a writ of mandamus. This was made perfectly clear by the Hon'ble Member for Mulakunnathukavu when he moved the Bill. It is to remove all doubts in the matter that he brought forward this Bill. The word "writ" only means an order issued by the Court. The word "writ" does not clearly indicate that it is used in relation to an order of mandamus. These are not conclusive matters. The court has expressed a doubt. I now proceed to consider the merits of the Bill, and try to support the position that Government has taken to the passage of this Bill. First of all one misapprehension ought to be removed. It was said that there must be a law in every civilized country to protect the liberty of the subject. This Bill has absolutely nothing to do with the personal liberty of the subject.

This Bill is sought to be supported mainly on the ground that the High Courts of Madras, Bombay and Calcutta have got the power. On this analogy, the Bill is not really supportable. The Supreme Courts established in India during the days of the East India Company had jurisdiction to exercise this power under the terms of the Charter which "empowered and authorised" the Supreme Courts "to award and issue a writ or writs of mandamus, certiorari

*Speech not corrected by the Hon'ble Member.

precedendo or error and directed to such Courts or Magistrates as the case may require and to punish any contempt of a wilful disobedience thereunto by fine or imprisonment." The Common Law of England made provision for compelling the performance of duties and obligations, more or less of a public nature, by the issue of a writ of mandamus in cases of breach of such duties. It is intended to be a corrective of official inaction. The Charters followed this principle of the English Common Law and conferred the power on the three Supreme Courts. When the three Supreme Courts of Madras, Bombay and Calcutta were abolished by the Indian High Courts Act, 1861, and High Courts established in their stead, they were empowered "to have and exercise all jurisdiction and every power and authority whatsoever in every manner vested in any of the Courts in the Presidency abolished under this Act, at the time of the abolition of such mentioned Courts", by virtue of the provisions contained in section 9 of that Act. The three High Courts therefore inherited all the powers of the Supreme Courts including the power to issue Writs of Mandamus. But it has to be prominently kept in mind that these Courts had and continue to have original civil jurisdiction which, I believe, is the foundation for the conferment of the power to issue Writs of Mandamus. The Letters Patent granted to these three High Courts contained a reservation to the effect that the provisions of the Letters Patent are subject to the legislative powers of the Governor-General in Legislative Council and in exercise of this legislative control, the general power to issue Writs of Mandamus was taken away and those courts were authorised by the Indian Specific Relief Act (section 45) to issue orders of the kind and within the limitations specified therein. The other High Courts in India are not empowered to exercise the power conferred by section 45 of the Specific Relief Act for the obvious reason that they have no original civil jurisdiction as the Supreme Courts had. The power to issue Writs of Mandamus was thus abolished in India by section 50 of the Specific Relief Act and orders of the kind and within the limitations of section 45 could be issued only by the three Indian High Courts having original civil jurisdiction. The High Courts of Patna, Allahabad, Lahore and Nagpur have no jurisdiction to issue orders under section 45 of the Specific Relief Act and this feature establishes beyond doubt that the cardinal foundation for the exercise of this extra-ordinary power lies in possessing original civil jurisdiction which the High Court of Cochin does not possess.

Mr. A. B. Salem (Mattancheri): Question.

Mr. M. Sivarama Menon (Advocate-General): The power to withdraw to its own file a case filed and pending in a Lower Court is not the exercise of original civil jurisdiction and I think the question raised is answered by this observation which will be readily conceded on all hands.

The argument that the Maharaja must be deemed to have delegated the power to issue Writs of Mandamus is fallacious for the reason that such a presumption could have had a shadow of justification only if the High Court of Cochin had original civil jurisdiction. In spite of this feature, it is not reasonable to presume that the Maharaja delegated such a power by the Government of Cochin Act though the other High Courts in British India still continue to have no such power. If that were so, the power would have been conferred by express words to bring into prominence the departure from the British Indian practice. Government fail to be impressed by the argument that Cochin marched ahead of British India in this respect and adopted a different line of delegation even in the absence of original civil jurisdiction in the High Court.

The fact that Writs of Mandamus have to run in the name of the King shows that it is a fundamental right of the King to issue such orders. Where there is a doubt with regard to the interpretation of treaties in relation to fundamental rights of a Sovereign, the principle that, whatever is not expressly parted with must be taken to have been reserved, applies and I do not see any reason why this principle of interpretation cannot be applied in substance in this behalf. So long as there is no express delegation of such a power, it is not correct to rely upon the use of the word "writ" or the words "in the name of His Highness" in the Government of Cochin Act in support of the argument that a delegation has in fact been made when the circumstances are against such a delegation in the light of the history regarding the exercise of the power of mandamus in British India.

The position agitated now before this House is not peculiar to Cochin. In the Specific Relief Acts in force in Travancore, Mysore and Hyderabad, Chapter VIII of the Indian Act is omitted as in the Cochin Specific Relief Act. This is not an accident but a deliberate departure. It involves a question of policy. The rulers of Indian States have not parted with all the powers they have to the judiciary.

No case has been made out to show that the want of such a power has prejudiced public interests in a small State like Cochin where a correction of the executive can be had in no time by the Government. It may be that proceedings leading to elections to public bodies may be attempted to be complicated by litigious minded persons by invoking such a power, though without success, for a time.

Government therefore oppose this Bill.

Mr. K. Narayana Menon (Mulakunnathukavu): I am really surprised that such an innocent measure as is sought to be aimed at by this Bill which in fact and scope is extremely limited has united such a vehement opposition on the part of the Government. As I could understand the Hon'ble Member for Law, the occasion on which powers conferred by this chapter of the Specific Relief Act could be exercised are once in a blue moon though not ever. In the second place there will be absolutely no occasion to allow the executive authority redress which will not be immediately granted. The third argument is in a small State where matters in Chittur reach the headquarters of Government in much less than minutes, there is absolutely no necessity for such a measure, every urgent matter can be dealt with in time. I would advance these very arguments. Well, if these are the facts what is the justification to oppose this very necessary, this very innocuous Bill. There is something behind the Hon'ble Member for Law which he is not telling me or there is nothing in the opposition is my humble opinion. Unless there be something not exposed by the Hon'ble Member for Law I do not find any reasonable ground on which he could have opposed this legislation. If the position taken by the Government is really appreciated, I fail to see whether there can be any ground for opposing this Bill. Now I proceed to reply to the objections that the Hon'ble Member for Law has placed before this House one by one. If the objection is to the use of the word "mandamus" and tracing the history of that word to the sovereign powers and the King of England and the Supreme Court by delegation, I submit, Sir, that that aspect has been clearly remedied by the Specific Relief Act which says expressly in so many words. In section 50 neither the High Court nor any Judge shall hereafter issue any Writs of Mandamus so that the Specific Relief Act (Chapter VIII) has specifically taken away the right to issue a Writ of Mandamus but retains the power to issue a writ. Under certain specific statutory conditions mentioned in this chapter. Since there is a doubt expressed whether this will apply to the State at all inasmuch as the High Court has expressly ordered that that chapter is not there I think it is unnecessary to incorporate that section 50 in the Bill that I seek to introduce. On the view as held by the High Court in the referred decision there is nothing more to be said. If it is taken away it need not be exercised. Therefore I do not incorporate section 50 which says, no Court of Judges of the High Court shall issue a Writ of Mandamus. Therefore, Sir, if the objection is that it is a mere prerogative of the High Court, that it is by virtue of that the High Court has been exercising such powers I demur, and state under the Specific Relief Act it is taken away and it does not subsist. There are certain statutory powers conferred upon the High Court as is adverted to by the Hon'ble Member for Law. It is clear that this extraordinary remedy can be exercised only in extraordinary cases. I shall illustrate the position. The case of 30 Cochin was referred to. This is the same case referred to in 6 Cochin Law Journal. In that case, Sir, if only the High Court has exercised the powers for the issue of Writ of mandamus or the issue of any other writ it was most unobjectionable. Take away the name of the Member who is to be declared ineligible. If, this only was declared, there never would have been an election petition. When there was an election suit, the seat in the Council was vacant. Subsequently the election court held that the gentleman was disqualified and declared in favour of a further election. All these difficulties would have been avoided, much cost on the part of the Government would have been saved. That is patent. The standing example, unfortunate, in my humble thought that a piece of legislation has been necessitated for a specific remedy which ought to be available even to the humble. You could have avoided waste of time, money and labour. Therefore the argument that it may be most useful is to be accepted. Let it be the solitary instance where this Act may come into force. Still what is the objection? On the part of the Government I respectfully and humbly ask. Why is it said that you shall not have the simple right? I am going to use it only once. Why should they grudge it to the highest tribunal in the land? That is my submission.

Then, Sir, the next argument that was raised was that the objects and ends that may be attained by the Act are extremely difficult and whatever that is necessary has been and will be attained by executive orders passed by His Highness the Maharaja through the Diwan for the relief of His Highness' subjects. I again submit, Sir, is that the order contemplated by a writ?

Is it at any time the writ of judicial tribunal, with all deference and respect to the Hon'ble Member for Law? Which is that order which may affect the subject that is sought to be remedied?

If the executive authority does not do something which is within their power which forbearance is detrimental to the interests of the public, which is detrimental to any democratic institution and which is going to affect the property of any such institution, the law says look here, the High Court will interfere, if you are not doing it. It is that power that is wanted by the High Court. How can that be superseded by the order of the Executive? Wherever it may be, I fail to understand. In fairness and justice, I think Government ought to have appreciated the position in which the State is to-day. In 1097 when the Specific Relief Act was passed in this State it will not for a moment be denied that all these questions were not even in the embryo. The present Legislative Council was not constituted; many a Municipality was not in existence, the constitution of Panchayats by election was never thought of and the present day political arena was a thing unknown in the year 1097. Probably other States copied this enactment from British India without this chapter as they thought it very absurd to incorporate in the legislature something which is absolutely in-operative. It will be stated, there are no public Acts. What is the use of the chapter which enforces public duties? In consonance with common sense and reason and the logical conclusion, I submit we have to infer not that these States were unable to get but because they never wanted it. They should assume to have that because they themselves had the weapons with them. That and that alone is my humble answer to the argument of the Hon'ble Member for Law, that this chapter is not copied by Travancore or Mysore is no argument at all against the passing of this legislation. Suppose one Indian State refuses to pass a useful legislation. Is it to be for the Government of Cochin an antecedent to say that another State has not passed it and therefore we will also not pass it? Are the subjects of His Highness on a par with many others? We are far in advance of at least all the South Indian States (*Hear, hear*). It may be denied but it is our right to assert that we are. It is therefore a very very humble submission of mine that that argument the Advocate-General, the Member for Law should not have advanced before this House, to say that because other States have not done you also do not require that. I cannot see any reaction this Bill can have upon either the judiciary or on the Executive unless they be fanciful and almost in the realms of absolute imagination. I may be permitted to read a certain portion from the Encyclopaedia Britannica upon this aspect of common law. "Mandamus has always been regarded as an exceptional remedy to supplement the deficiencies of the common law or defects of justice. The writ is issued to compel inferior courts to hear and determine according to law cases within their jurisdiction, e.g. when a county court or justices in petty or quarter sessions refuse to assume a jurisdiction which they possess to deal with a matter brought before them. It has in recent years been employed to compel municipal bodies to discharge their duties as to providing proper sewerage for their districts, etc. The Courts do not prescribe the manner in which the duty is to be discharged but do not stay their hands until substantial compliance is established.

Besides the prerogative common law with them are a number of orders made by the High Court under Statutory authority and described as or as being in the nature of mandamus e.g. mandamus to proceed to the election of a corporate officer of a municipal corporation (Municipal Corporation Act 1882 Sc. 228). Orders in the nature of mandamus to justices to hear and determine matter within their jurisdiction or to state and sign a case under the circumstances relating to special cases.

At common law mandamus lies only for the performance of acts of a public or official character. The enforcement of merely private obligations such as those arising from contracts is not within its scope. But now a mandamus can be granted by an interlocutory order of the High Court in all cases in which it shall appear to the Court just or convenient that such an order should be made. The remedy which is thus created is an attempt to engraft upon the old common law remedy by damages a right in the nature of specific performance of the duty in question. It is not limited to cases in which the prerogative writ would be granted but mandamus is not granted when the result desired can be obtained by some remedy equally convenient, beneficial and effective or a particular and different remedy is provided by statute. An action for mandamus does not lie against judicial officers such as justices. The mandamus issued in the action is no longer a writ of mandamus but a judgment or order having effect equivalent formerly issued.

The jurisdiction of this Act derived from the court of the chancery to decree special performance of contracts has some resemblance to mandamus in the domain of public and quasi public law".

That is the effect of the law. Therefore I submit it is something which is essential. The fact that such a power has to be vested in the High Court is a matter of prestige. It will be rather curious (that when His Highness has divested himself of all judicial authority and vested it completely in the High Court of Judicature reserving with him the royal prerogative of pardon), to hear that there are still judicial functions reserved with His Highness. In the Government of Cochin Act is there any reservation of any judicial power, I respectfully ask. Further, Sir, we have been keeping laws to fit in with the Madras Acts and the procedure adopted by the British Government. To supplement that our Government have been pleased to bring down from Madras, a retired Chief Justice to be the Chief Justice here. Will it not be rather curious to hear that the Hon'ble Chief Justice is not to be exercising or controlling such functions here as he had there? I think in equanimity that power has to be given to the High Court. I have nothing more to add.

Motion put and declared carried.

Mr. K. Narayana Menon (*Mulakunnathukavu*): Poll, Sir.

The House divided

AYES

Messrs.	Messrs.
1 Khan Sahib Ismail Hajee Essa Sait.	14 A. B. Salem.
2 B. M. Peter.	15 George Panikulam.
3 C. V. Iyyu.	16 K. M. Ibrahim.
4 K. T. Achuthan.	17 P. Kumaran Ezhuthassan.
5 Ephraim Ouseph.	18 T. S. Ramachandra Ayyar.
6 K. S. Panikker,	19 C. K. Nayar.
7 K. R. Achuthan.	20 K. Narayana Menon.
8 Joseph Pettah.	21 Shabdai S. Koder.
9 A. V. Moothedan.	22 N. Govinda Pai.
10 T. A. Ramachandra Ayyar.	23 C. J. Louiz.
11 P. Narayana Menon.	24 Thomas Karikkasseri.
12 A. Eachara Menon.	25 K. R. Ramakrishnan.
13 P. P. Devassy.	26 P. K. Krishnan.

NOES

1 Rama Varmha Tampuran,	7 Rao Sahib M. M. Paul.
2 Mr. A. Madhava Prabhu.	8 Rao Sahib Dr. T. Verghese.
3 Mr. M. Sivarama Menon.	9 Mr. P. V. Raphael.
4 Mr. B. V. K. Menon.	10 Rao Sahib I. N. Menon.
5 Mr. C. J. Mathew.	11 Khan Sahib Y. Muhammad Roshan
6 Mr. S. Venkiteswaran.	Sahib Bahadur.

26 for, 11 against: motion is carried.

Secretary to the Council.

Mr. President: The title of the Bill is the "Cochin Special Relief Act (Amendment) Bill."

Mr. K. Narayana Menon (*Mulakunnathukavu*): I beg to move that the Bill may be referred to a Select Committee consisting of (1) Advocate-General (2) Diwan-Peishkar (3) Mr. P. P. Devassy (4) Mr. Ephraim Ouseph (5) Mr. K. T. Achuthan (6) Mr. A. B. Salem and (7) the Mover.

Mr. C. K. Nayar (*Nemmara*): I second it.

Motion put and carried.

Mr. K. Narayana Menon (*Mulakunnathukavu*): There may be a direction that the committee may do the work in sufficient time before the next session.

Mr. President: The report may be submitted in one month.

Mr. K. Narayana Menon (*Mulakunnathukavu*): Then it will come for the next session.

Motion put and carried